

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 EB-08 CIAE-00 COME-00 DODE-00
DOTE-00 FMC-01 INR-07 NSAE-00 CG-00 DLOS-09
OES-07 L-03 SS-15 NSCE-00 H-01 SSO-00 INRE-00
/066 W

-----122539 112327Z /61

O 112306Z JAN 78
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC IMMEDIATE 8749

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DEPT PASS FMC

E.O. 11652 NA
TAGS: EWWT, GT
SUBJ: SHIPPING - GUATEMALAN WAIVER POSITION

REF: A. GUATEMALA 7777, B. MATHEWS/SHULER TELECON THIS DATE.
B. GUATEMALA 7778

1. EMBASSY HAS CONFIRMED WITH PERALTA PORTILLO OF CORFINA THAT EXISTING GUATEMALA SHIPPING LAW DOES NOT PERMIT GRANTING OF WAIVERS BEYOND SPECIFIC LIMITS ESTABLISHED BY LAW. THEREFORE, BLANKET WAIVERS, IF ISSUED BY THE GOVERNMENT, WOULD EXPOSE GOVERNMENT TO LEGAL ACTION.

2. POSITION PRESENTED BY GUATEMALAN GOVERNMENT, AMB. LAMPORT/FMC DISCUSSIONS, INCLUDES FOLLOWING THREE ELEMENTS, ACCORDING TO PERALTA: 1. TRADITIONAL CONTAINER CARGO WOULD NOT BE SUBJECT TO ANY FINES OR REQUIRE ANY FURTHER WAIVERS. PERALTA EXPLAINS THAT THIS IS PERMITTED UNDER GUATEMALAN LAW AND HAS AS ITS INTENT THAT FOR THE 35 DAY INTERVAL BETWEEN PROPOSED FMC ACTION AND COMING INTO FORCE OF NEW GUATEMALAN LAW BREAK CARGO AS NORMALLY CARRIED BY GUATEMALAN CARRIERS WOULD NOT
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BE DIVERTED TO CONTAINERS OR OTHER ROUTINGS WHICH WOULD DAMAGE NORMAL GUATEMALAN CARRIER BUSINESS.

3. SECOND POINT WHICH PERALTA ASKED BE EMPHASIZED IS THAT ACCORDING TO ARTICLE 7 OF NEW GUATEMALAN LAW 26-77 THE NEW SIX PERCENT FEE DOES NOT COME INTO EFFECT UNTIL 60 DAYS AFTER THE EFFECTIVE DATE OF THE LAW, I.E., ABOUT APRIL 20.

HE ARGUES THAT THIS 60 DAY PERIOD OF NO CHARGE ON US CARRIERS WILL MORE THAN COMPENSATE US CARRIERS FOR ANY LOSS WHICH LACK OF 100 PERCENT WAIVERS MIGHT CAUSE DURING EARLIER 35 DAY INTERIM PERIOD CITED ABOVE.

4. THIRD POINT (FROM VICE MINISTER ORTIZ OF ECONOMICS) IS THAT ONLY ONE TRIP IS POSSIBLE BY EACH OF THE FIVE GUATEMALAN SHIPS DURING THE 35 DAY PERIOD.

5. AS FURTHER BACKGROUND, A REPRESENTATIVE OF LINEAS MARITIMAS, PETER SAURBIER, SPOKE TO PERALTA ON ISSUE OF WAIVERS. PERALTA TOOK POSITION THAT GRANTING OF BLANKET WAIVERS WOULD BE ILLEGAL AND THEREFORE BEYOND HIS AUTHORITY. SAURBIER EXPRESSED VIEW THAT COUNTERVAILING FEES WOULD HAVE AN EXTREMELY NEGATIVE EFFECT IN GUATEMALA, ESPECIALLY WITH ELECTION CAMPAIGN IN FINAL STAGES. HE SAID HE HOPED THE PROBLEM WOULD NOT BE STIRRED UP AGAIN AND THAT 26-77 WOULD BE ALLOWED TO QUIETLY TAKE EFFECT.

6. THE POINTS PRESENTED ABOVE AND BY AMBASSADOR LAMPORT REINFORCE OUR (REFTEL GUATEMALA 7778) POSITION THAT COUNTERVAILING MEASURES SHOULD NOT BE IMPOSED BY THE USG AT THIS TIME.
BOSTER

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